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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,463	02/24/2004	Peter O. Roach JR.	NxSteps 001	8570

20786 7590 02/24/2005

KING & SPALDING LLP
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EXAMINER

DINH, TRINH VO

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/785,463

Applicant(s)

ROACH ET AL.

Examiner

Trinh Vo Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,7-19,21,22,25-28 and 35-54 is/are pending in the application.
- 4a) Of the above claim(s) 13-18,38-44,47,48 and 51-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7-12,19,22,25-27,35-37,45,46,49 and 50 is/are rejected.
- 7) ☒ Claim(s) 3,21 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/07/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

In the application, claims 2, 5-6, 20, 23-24 and 29-34 were canceled, claims 13-18, 47-48, 38-44, 51-54 are non-elected claims which has been withdrawn from consideration, and claims 1, 3-4, 7-12, 19, 21-22, 25-28, 35-37, 45-46 and 49-50 are elected claims.

Election/Restrictions

1. Applicant's election with traverse of in the reply filed on December 16, 2004 is acknowledged. The traversal is on the ground(s) that *although, Applicant agrees that several distinct inventions are claimed in the present application, the Examiner would be not seriously burdened.* This is not found persuasive because firstly, the Applicant is entitled to claim one invention for one application, and secondly, the Examiner would be seriously burdened because there are several different claimed subject matters presented in the application. For these above reasons, the restriction requirement is still deemed proper and is therefore made FINAL.

The Applicant is advised that a complete reply to the office action should include cancellation of non-elected claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 19, 22, 25-26, 49-50 draw to the apparatus and method claims 1, 4, 7-11, 35-37, and 45-46 are rejected under 35 U.S.C. 102(b) as being anticipated by Uehara et al (US 5,424,859 of record).

With respect to claim 19, Uehara discloses, in Figs. 2-3, a wireless network component (22, 23, 24, 26) that derives power from a power source of a fluorescent light (16), comprising a first power coupling (11) electrically connected to a power converter (24) of the wireless network component and configured for electrically connecting to at least a first pin (21) at a first end of a fluorescent lamp; and a second power coupling (11) electrically connected to the power converter of the wireless network component and configured for connecting to at least a second pin (21) at a second end of the fluorescent lamp to thereby complete a circuit between the power converter, the first pin and the second pin, whereby power supplied to the pins by the power source of the fluorescent light will be drawn by the circuit to power the wireless network component.

With respect to claims 22 and 25-26, Uehara discloses, in Figs. 2-3, the first power coupling and the second power coupling (11) are each configured for making electrical connection with either a bi-pin fluorescent lamp (16) or a single-pin fluorescent lamp, at least one of the first power coupling or the second power coupling is electrically connected to the power converter (24) of the device via a power tether (21).

With respect to claims 49-50, Uehara discloses mounting means, in Figs. 2-3, for mounting the wireless network component to a surface in proximity to the lamp (16).

With respect to claims 1, 4, 7-8 and 35, 45-46 the apparatus discussed above would perform the claimed method.

With respect to claims 9-11 and 36-37, Uehara discloses, in Figs. 2-3, at least one of the first or the second power coupling (11) being electrically connected to the power converter (24) of the device (10), the device (10) is designed to primarily function as a wireless network

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component (col. 5, lines 13+), and the device (10) receives network data and control signals from a second wireless network component (10, 14, 15, 17) via wireless communication.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 27 draw to the apparatus and the method claim 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uehara in view of prior art (Paragraph [0041] in the present application).

With respect to claim 27, Uehara disclose substantially claimed invention as discussed in claim 19. However, Uehara does not suggest a power line carrier system. Prior art (paragraph [0041]) of the instant application discloses a power line system, which communicates with a wireless network. It would have been obvious to use the power line carrier system for receiving data and control signals through Uehara's fluorescent light power supply since power line carrier systems which are well known in the art, allow a broadband data signal to be transported via power lines distribution type network (as stated in paragraph [0041] of the instant application).

With respect to claims 12, the apparatus discussed above would perform the claimed method.

Allowed Subject Matters

6. Claims 3, 21 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

The cited art of record fails to teach one or more first insulating means for spacing the first power coupling apart from the first end of the fluorescent lamp and from a first connector in a fluorescent light fixture and one or more second insulating means for spacing the second power coupling apart from the second end of the fluorescent lamp and from a second connector in the fluorescent light fixture as defined in claims 3 and 21, or the means for receiving data and control signals comprises a signal bypass network for allowing a power line carrier signal to bypass a ballast of a fluorescent light fixture as defined in claim 28.

Inquiry

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Vo Dinh whose telephone number is (571) 272-1821. The examiner can normally be reached on Monday to Friday from 9:30AM to 6:00PM.

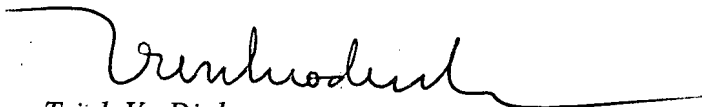
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong, can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Trinh Vo Dinh', with a long horizontal flourish extending to the right.

Trinh Vo Dinh

February 20, 2005.